

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WAG Acquisition, L.L.C.,

Plaintiff,

v.

Multi Media, L.L.C., *et al.*,

Defendants.

Civil Action No. 2:14-cv-02340
(ES)(MAH)

WAG Acquisition, L.L.C.,

Plaintiff,

v.

Data Conversions, Inc., *et al.*

Defendants.

Civil Action No. 2:14-cv-02345
(ES)(MAH)

WAG Acquisition, L.L.C.,

Plaintiff,

v.

Flying Crocodile, Inc., *et al.*,

Defendants.

Civil Action No. 2:14-cv-02674
(ES)(MAH)

WAG Acquisition, L.L.C.,

Plaintiff,

v.

Gattyán Group S.à r.l., *et al.*,

Defendants.

Civil Action No. 2:14-cv-02832
(ES)(MAH)

<p>WAG Acquisition, L.L.C.,</p> <p>Plaintiff,</p> <p>v.</p> <p>FriendFinder Networks Inc., <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil Action No. 2:14-cv-03456 (ES)(MAH)</p>
<p>WAG Acquisition, L.L.C.,</p> <p>Plaintiff,</p> <p>v.</p> <p>Vubeology, Inc. <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil Action No. 2:14-cv-04531 (ES)(MAH)</p>
<p>WAG Acquisition, L.L.C.,</p> <p>Plaintiff,</p> <p>v.</p> <p>WEBPOWER, Inc. d/b/a WP Associates <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil Action No. 2:15-cv-3581 (ES)(MAH)</p>

(PROPOSED) AMENDED DISCOVERY PLAN

THIS MATTER having come before the Court on 10/14, 2016 pursuant to the Court's Order and oral opinion delivered on the record on September 29, 2016 (Dkt. No. 107 in 14-cv-2340), and the Parties having presented a proposed Amended Joint Discovery Plan; and for good cause shown:

IT IS, on this 14th day of October, 2016 **ORDERED THAT:**

1. **Discovery Schedule.** The discovery schedule in this matter shall be as follows:

Item Number	Event	Proposed Date	Reference
Liability Discovery Phase			
1	Service of redacted infringement contentions to reflect reduced claims	TBD if applicable based on Court's decision	
2	Service of Amended Invalidity Contentions and if necessary Non-Infringement Contentions striking contentions with respect to any redacted claims	TBD if applicable based on Court's decision (at the earliest 30 days after Item 1 or Court's decision)	L. Pat. R. 3.3-3.4
3	Service of Responses to Invalidity Contentions and Accompanying Document Production	30 days after the later of Item 2 or Court's decision	L. Pat. R. 3.4A
4	Status Conference	12/2/2016 ¹ (if available on the Court's calendar)	
5	Deadline to amend pleadings to add additional parties	12/5/2016	
6	Status Conference	2/24/2017 (if available on the Court's calendar)	
7	Close of Fact Discovery Relating to Liability	4/21/2017	
Claim Construction Phase			
8	Exchange of Proposed Terms for Construction	3/3/2017	L. Pat. R. 4.1(a)
9	Exchange of Preliminary Claim Constructions	3/24/2017	L. Pat. R. 4.2(a)-(b)
10	Service of Identification of Intrinsic and Extrinsic Evidence for Claim Construction	4/7/2017	L. Pat. R. 4.2(c)

¹ Plaintiff will initiate the call with Defendants to the Court for all Status Conferences.

Item Number	Event	Proposed Date	Reference
11	File Joint Claim Construction and Prehearing Statement	4/29/2017	L. Pat. R. 4.3(a)-(f)
12	Status Conference	5/12/2017 (if available on the Court's calendar)	
13	Completion of Claim Construction Discovery other than Experts; Tutorials due	5/29/2017	L. Pat. R. 4.4
14	File Opening Markman Submissions	6/13/2017	L. Pat. R. 4.5(a)
15	File Responding Markman Submissions	8/14/2017	L. Pat. R. 4.5(c)
16	File a Proposed Schedule for Claim Construction Hearing	8/28/2017	L. Pat. R. 4.6
17	Status Conference	8/31/2017 (if available on the Court's calendar)	
18	Conclude Markman Expert Discovery	9/1/2017	L. Pat. R. 4.5(b)
19	Disclose FRCP information relating to liability experts	10 days after Markman Order	
20	Opening expert reports by party bearing liability burden	45 days after Markman Order	
21	Responding liability expert reports	75 days after Markman Order	
22	Close of liability expert discovery	100 days after Markman Order	
Liability Dispositive Motion Phase			
23	Deadline to file all dispositive motions (including motions for summary judgment, Defendants to renew their § 101 Challenge, motions to strike experts, and Liability <i>Daubert</i> motions)	135 days after Markman Order	
24	Serve Advice of Counsel Defense Disclosures and Accompanying Document Production	30 days after Markman Order	L. Pat. R. 3.8(a)-(c)
Damages Discovery Phase (if necessary)			
25	Damages fact and expert discovery, if necessary	TBD (parties will meet and confer after dispositive motions)	
Trial Disclosure Phase (if necessary)			
26	Trial disclosures, if necessary	TBD (parties will meet and confer after dispositive motions)	

2. Interrogatories. Plaintiff may serve up to twenty-five (25) interrogatories in each docketed case. Defendants may serve up to twenty (20) interrogatories in each docketed case and may serve up to fifteen (15) interrogatories common to all of the above-docketed cases.

3. Depositions.

a. Plaintiff and Defendants in each docketed case shall have 45 hours of deposition time total for depositions of parties and party fact witnesses.

b. In addition, Plaintiff and Defendants collectively for all of the above-docketed cases will each have an additional 20 hours of deposition time total.

4. Requests for Production of Documents. There are no limits on requests for the production of documents, subject to Fed. R. Civ. P. 26 and further Orders of the Court.

5. Requests for Admission. Plaintiff and Defendants in each docketed case shall have 25 requests for admission except there is no limit on the number of requests for admission that a document is (1) authentic, (2) a business record, or (3) otherwise meets a condition for admissibility in evidence.

6. Third- (or Non-) Party Discovery. There are no limits on non-/third-party discovery, subject to Fed. R. Civ. P. 26 and further Orders of the Court.

7. Liability Expert Discovery. The parties shall meet and confer after claim construction briefing has been submitted to discuss the contours on liability expert discovery.

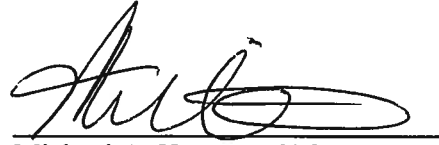
8. E-Discovery. See the “Order Regarding E-Discovery in Patent Cases.” *See e.g.*, Dkt. No. 67 (14-cv-03456).

9. Any dispute regarding written discovery shall be submitted to the Court by way of Joint Letter, and only after the Parties have met and conferred in good faith under L. Civ. R. 37.1. Any dispute regarding written liability discovery must be presented by March 17, 2017.

Thereafter, the Court will not entertain any disputes Re. written liability discovery. After Dispositive Motion Phase (see above), any Party may, on notice to the other Parties in these cases, request a separate deadline for written discovery disputes arising from damages discovery in light of the bifurcation motion being granted.

IT IS SO ORDERED.

Dated this 14th day of October, 2016


Michael A. Hammer, U.S.M.J.